

REMARKS

Claims 1-17 are pending in this application. Claims 1-17 are rejected. Claims 2, 8, 12 and 15-17 are herein canceled. Claims 1, 7, 11 are herein amended. Attached hereto is a marked-up version of the changes made by the current amendment, captioned "Version with Markings to Show Changes Made."

Objections to the Disclosure

The disclosure is objected to because the use of trademarks, has been noted in this application. The Examiner noted the use of "Hansa" [sic: HANSA] at page 13, line 24. Applicants herein amend the specification in order to correct this typographical error.

The Examiner notes that claims 15-17 are essentially duplicates of claims 2, 8 and 11. Applicants herein cancel the rejections:

Rejections under 35 U.S.C. §112, first paragraph

Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. The Examiner notes that claims 1, 7, 11 and 15-17, and claims dependent thereon, recite a second linear polyester resin. The Examiner asserts that the originally filed specification does not provide an adequate written description of the broad generic second linear polyester resin recited in the instant claims.

Applicants herein amend the claims to remove reference to the linearity of the resins.

Applicants submit that this amendment overcomes the rejections.

Rejections under 35 U.S.C. §103

Claims 1, 3/1, 4/3/1, 5/1, and 6/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,232,028 B1 (Kushino '029) combined with U.S. Patent 6,361,9104 B1 (Semura) and Japanese Patent 2000-075544 (JP '544).

Claims 7, 9/7, 10/9/7, 11, 13/11, and 14/13/11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kushino '029 combined with Semura and JP '544 as applied to claims 1, 3/1, 4/3/1, 5/1 and 6/1, above, further combined with Diamond, Handbook of Imaging Materials, pp. 160-163.

In response to the above rejections, Applicants amend independent claims 1, 7 and 11 by importing the limitations from claims 2, 8 and 12, respectively. Applicants note that these claims were indicated as allowable by the Examiner. Therefore, Applicants submit that this rejection overcomes the rejections.

For at least the above reasons, Applicants submit that the amendments herein overcome the rejections of record. Withdrawal of the rejections and passage of the claims to issue are earnestly requested.

Amendment under 37 C.F.R. §1.116
Yasushige NAKAMURA et al.

U.S. Patent Application Serial No. 09/935,668
Attorney Docket No. 011071

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made

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Amendment under 37 C.F.R. §1.116
Yasushige NAKAMURA et al.

U.S. Patent Application Serial No. 09/935,668
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please replace the paragraph beginning on page 13, line 16 as follows:

In the color toner of the present invention, the colorant to be dispersed in the binder resin includes various publicly known dyes and pigments and can be arbitrarily selected and used. Preferred examples of the colorant include, but are not limited to, carbon black, lamp black, iron black, ultramarine blue, nigrosin dye, aniline blue, chalco oil blue, DuPont oil red, quinoline yellow, methylene blue chloride, phthalocyanine blue, phthalocyanine green, ~~hansa~~ HANSA yellow, rhodamine 6C lake, chome yellow, quinacridon, benzidine yellow, malachite green, malachite green hexanoate, oil black, azo oil black, rose bengal, monoazo pigment, disazo pigment, and trisazo pigment. These colorants may be used alone, or used in combination to obtain a desired toner color.

IN THE CLAIMS:

Please amend claims 1, 7, and 11 as follows:

1. (Twice Amended) An imaging color toner comprising at least a binder resin, a colorant and an infrared absorber, wherein

the binder resin contains, as a principal component, a polyester resin obtained by mixing a first polyester resin with a second polyester resin in a weight ratio of 80:20 to 20:80;

the first polyester resin is a ~~non-linear~~ polyester resin having a softening point Tsp of not lower than 120°C and lower than 170°C, and also contains 1 to 25 parts by weight of a chloroform-insoluble content as the component; and

the second polyester resin is a ~~linear~~ polyester resin having a softening point Tsp of not lower than 80°C and lower than 110°C,

wherein the toner is capable of being photofixed; and

wherein an acid value of the first polyester resin is from 20 to 40, an acid value of the second polyester resin is from 5 to 20, and an acid value of the entire polyester resin is from 15 to 35.

2. (Canceled)

7. (Twice Amended) A method of forming a color image on a recording medium which comprises the steps of forming an electrostatic latent image by image exposure, visualizing the electrostatic latent image by development, transferring the visualized image onto the recording medium and fixing the transferred image, wherein

a developing agent comprising a color toner, which comprises at least a binder resin, a colorant and an infrared absorber, is used in the step of developing the electrostatic latent image,

the binder resin containing, as a principal component, a polyester resin obtained by mixing a first polyester resin with a second polyester resin in a weight ratio of 80:20 to 20:80;

the first polyester resin being a ~~non-linear~~ polyester resin having a softening point Tsp of not lower than 120°C and lower than 170°C, and also containing 1 to 25 parts by weight of a chloroform insoluble content as the component; and

the second polyester resin being a ~~linear~~ polyester resin having a softening point Tsp of not lower than 80°C and lower than 110°C; and

a photofixing system is used at a light emission energy density ranging from 1.0 to 6.0 J/cm² in the step of fixing the transferred image after transferring the image visualized by using the developing agent onto the recording medium;

wherein an acid value of the first polyester resin is from 20 to 40, an acid value of the second polyester resin is from 5 to 20, and an acid value of the entire polyester resin is from 15 to 35.

8. (Canceled)

11. (Twice Amended) An apparatus for forming a color image on a recording medium comprising an image exposing device for forming an electrostatic latent image, a developing device for visualizing the electrostatic latent image, an image transferring device for transferring the visualized image onto the recording medium, and an imaging fixing device for fixing the transferred image onto the recording medium, wherein

the developing device is loaded with a developing agent containing a color toner, which comprises at least a binder resin, a colorant and an infrared absorber,

the binder resin containing, as a principal component, a polyester resin obtained by mixing a first polyester resin with a second polyester resin in a weight ratio of 80:20 to 20:80;

the first polyester resin being a ~~non-linear~~ polyester resin having a softening point Tsp of not lower than 120°C and lower than 170°C, and also containing 1 to 25 parts by weight of a chloroform-insoluble content as the component; and

the second polyester resin being a ~~linear~~ polyester resin having a softening point Tsp of not lower than 80°C and lower than 110°C; and

the image fixing device being provided with a photofixing device having a light emission energy density ranging from 1.0 to 6.0 J/cm²;

wherein an acid value of the first polyester resin is from 20 to 40, an acid value of the second polyester resin is from 5 to 20, and an acid value of the entire polyester resin is from 15 to 35.

12. (Canceled)